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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 005052

SIPDIS

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SUBJECT: POST-ELECTION UPDATE: PRELIMINARY RESULTS,
COMPLAINTS, AND DEBA'ATHIFICATION

Classified By: Political Counselor Robert S. Ford for
reasons 1.4 (B) and (D).

1. (SBU) Summary. The IECI has released preliminary information indicating that the December 15 voter turnout ranged from 65-70 percent, an increase over both the January elections and October referendum. Tallying for the elections is well underway, and in the case of Baghdad, almost complete. The IECI announced partial results for over 80 percent of the vote in Baghdad, which, with 59 seats, represents 20 percent of the Council of Representatives (see septel). Despite its announcement of partial results, the IECI does not expect the final certification to be completed until January, when all critical or "red" complaints can be investigated. The number of complaints submitted to date has reached record proportions, with over 700 complaints received to date and more expected in the days ahead. Twenty of the total complaints have been designated as "red" complaints that could affect parts of the results. Meanwhile, the Deba'athification Commission's appeal to the Transitional Electoral Panel (TEP) on the IECI's decision not to disqualify any candidates it identified may also affect the outcome of the election. End Summary.

TALLY CENTER OPEN: IECI WARNS OF FALSE REPORTS

2. (SBU) On December 17, the IECI Tally Center began operations by collating Baghdad Counting and Reconciliation forms (forms 121 and 122). These forms, submitted by each of the 32,000 polling stations, have arrived piecemeal to Baghdad from the 18 governorates. The Tally Center uses these forms to not only count the totals of the votes, but also to check the quality control of results. Count Forms 121 (tabulation of actual voting results) and Reconciliation Forms (inventory of materials, including unused ballots and other sensitive items) are used in a system of checks and balances that also focuses on data entry accuracy and detecting "ghost" stations, or stations set up without IECI approval.

3. (C) At the IECI's December 17 Press Conference, Commissioner Hindawi cautioned against erroneous results information from the press or political parties. He stated that the IECI is the only true source for this data, and that any other data would be wrong. He added that the IECI would announce preliminary figures as soon as they are available from the Tally Center. On December 19 the IECI announced partial results for Baghdad; the capital's vote is especially important since its 59 seats represent 20 percent of the Council of Representatives. An IECI official told Poloff December 18 that the remaining portion of results was being rechecked by an audit process prompted by complaints.

COMPLAINTS AND ANTI-FRAUD MEASURES

4. (C) The IECI reports that it has received approximately 700 complaints (including 20 "red" complaints) and expects up to 700 more as the tallying and processing of complaint forms continues. This number of complaints is a large increase over the 150 received during the referendum and more than the 450 (including 6 "red" complaints) received during January's election. Harith Hassan, Deputy Chief Electoral Officer, told Poloff December 18 that the majority of those complaints (170) are from Baghdad, including the "red" complaints. The IECI does not expect the final certification to be completed until January, when all of the "red" complaints can be investigated.

5. (SBU) In its attempt to address fraud, the IECI is preparing to conduct post-election audits in at least five cities, including Mosul, Basrah, Kirkuk, Hillah, and Erbil. These locations were based on past election experiences and the likelihood that voting

irregularities may occur in these areas. The audit will include checking IECI material for signs of tampering, cross-checking the numbers reported on counting forms, and inspecting a sampling of actual ballots cast to detect any signs of fraudulent voting. The team will consist of IECI and IFES staff, and be accompanied by members of the MNF-I Election Cell.

DEBA'ATHIFICATION RE-EMERGES

16. (C) On December 16, UN/IECI Legal Advisor Jose Aranaz reported to Poloffs that the DeBa'athification Commission had appealed the IECI's decision to not disqualify candidates that the Commission had listed (reftel). The appeal is currently with the Transitional Electoral Panel (TEP), a three-member panel comprised of judges appointed by the Higher Juridical Council. Results of the appeal should be forthcoming in the next two weeks, if not sooner. In making its determination, CPA Order 92 only permits the TEP to overturn the IECI decision if the TEP finds that it was "arbitrary, capricious, in excess of jurisdiction, or rendered in bad faith."

COMMENTS

17. (C) Having learned from the October referendum, the IECI is attempting to manage speculation on the election outcome by preemptively announcing preliminary results. It is probably the wisest move. This IECI strategy may feed the wolves temporarily, but may also lead to more speculation if it fails to announce results for a particular section of the country. Announcing preliminary results, moreover, may create expectations both that final results will be issued soon thereafter and that those final results will mirror the preliminary results. The IECI will need time to investigate "red" complaints before it can announce results affected by those complaints.

18. (C) If nothing else, the amount of complaints submitted reflects a growing awareness of the IECI's complaint process and more involved election participation by individuals and political parties alike. It is also possible that this increased number of complaints reflects an increase in fraudulent activities.

19. (C) If the TEP rules in the Deba'athification Commission's favor, the IECI could be forced to disqualify "winning" candidates. Such a controversial decision would strengthen the Deba'athification Commission's dubious role in "cleansing" the government from Ba'athists without the necessity of presenting evidence to substantiate its allegations.
KHALILZAD